

**Air Quality Control Advisory Council Meeting Minutes  
December 10, 2018 @ 8:15 am  
MDE Headquarters  
1800 Washington Boulevard  
Baltimore, MD 21230**

**AQCAC MEMBERS PRESENT**

John Quinn - Chairman  
John Kumm, P.E., BCEE – Vice Chairman  
Sania Amr, M.D.  
Todd Chason, Esq.  
Robert Wright  
Julian Levy  
Lawrence (Larry) Schoen, P.E.  
Thomas Killeen  
Hon. Leta Mach – phone / webinar  
Weston Young, P.E.  
Sara Tomlinson - phone / webinar  
Benjamin (Ben) Hobbs, PhD – phone / webinar  
(at 10:00 am)

**AQCAC MEMBERS ABSENT**

Stephen Bunker  
Jonathan Kays  
Ross Salawitch, PhD

**VISITORS**

David Cramer- Green Energy  
Taylor Smith-Hams- Chesapeake Climate Action  
Leah Kelly- Env. Integrity Project  
Ken Jackson- Curtis Bay Energy  
Andy Bodnarik – OTC (phone / webinar)  
David Smedick - Sierra Club (phone / webinar)

**MDE-ARA**

George (Tad) Aburn  
Randy Mosier  
Carolyn Jones, P.E.  
Husain Waheed, PhD  
Megan Ulrich, Esq.  
Wendy Sollohub  
Brian Hug  
Eddie Durant  
Chris Beck  
Daniel Newell  
Justin Mabrey  
Peggy Courtright  
Katharine Daristotle  
Kathleen Field  
Marcia Ways  
Tim Shepherd

*This is a summary of the December 10, 2018, Air Quality Control Advisory Council Meeting and serves as a record of the Council's vote on regulatory action items. This meeting was not recorded due to technical difficulties. The meeting minutes are available at:*

*MDE website:*

<http://mde.maryland.gov/programs/workwithmde/Pages/AQCACmeetingminutes.aspx>

Mr. John Kumm opened the meeting by welcoming everyone to the Air Quality Control Advisory Council (AQCAC or the Council) meeting at approximately 8:25 a.m. A roundtable introduction proceeded.

**Approval of Minutes from Dec 10, 2018 meeting:**

Chairman John Quinn called for a motion on the March 6, 2018 meeting minutes at approximately 8:31 a.m. Mr. Julian Levy requested two changes to the minutes; one statement correction on page 2 paragraph 3 for the 50% bill assistance clarification and one on page 3 for RGGI confirmation and one statement clarification.

*Motion to approve the minutes with the two changes was made by Dr. Sania Amr and seconded by Mr. Bob Wright. All members voted in favor, and none opposed, at approximately 8:33 a.m.*

**ACTION ON REGULATIONS**

**Low Emissions Vehicle Program COMAR 26.11.34**

Mr. Justin Mabrey presented the proposed amendments to COMAR 26.11.34.02 Incorporation by Reference to the Low Emissions Vehicle Program.

The purpose of these amendments is to remove a provision that allows vehicle manufacturers to meet California's, and therefore Maryland's, greenhouse gas vehicle emission standards by meeting the EPA greenhouse gas vehicle emission standards if EPA adopts the recently proposed changes. This compliance provision (referred to as "Deemed Complete") was originally adopted to ease the burden on vehicle manufactures and created a one national program for manufacturers to comply with. With the EPA proposing to weaken the GHG standards, California, and the other Section 177 States who have adopted California's vehicle emission standards, is removing that option in order to preserve the GHG reductions they need to meet state GHG goals.

A member of the Council asked if statute required the adoption of this provision. It was acknowledged that Maryland's statute requires the MDE to adopt California's Low Emissions Vehicle Program, and the Clean Air Act requires that program to be consistent with California's, prohibiting what's known as a "third" car standard. Without this provision, it could be considered a "third" car due to needing to be California certified for criteria pollutants but EPA certified for GHG emissions. Therefore, Maryland does need to adopt this provision by Maryland statute and Federal statute.

MDE plans to propose adoption quickly to capture the GHG reductions for the model year 2021. This may require an emergency process to meet the December 31, 2018 date. MDE told the

## FINAL AQCAC

Council that a formal adoption period would follow the emergency adoption with notices and hearing dates scheduled after the emergency adoption was approved.

*Motion to approve the proposed action was made by Mr. Larry Schoen and seconded by Dr. Amr. All members voted in favor, and none opposed, at approximately 8:53 a.m.*

*A second Motion was proposed to approve this action as an Emergency to get the benefits of the 2021 model year vehicles, made by Mr. Larry Schoen and seconded by Mr. Levy. All members voted in favor, and none opposed, at approximately 8:55 a.m.*

### **Vehicle Emissions Inspection Program COMAR 11.14.08**

Mr. Daniel Newell presented the proposed amendments to COMAR 11.14.08, which are directly reference under COMAR 26.11.22 Vehicle Emissions Inspection Program (VEIP). This is a joint proposal by MDE and MVA.

The purpose of these amendments is to continue to modernize and enhance the VEIP to improve motorist convenience while minimizing the impact on air quality. These amendments made two key changes. The first delays the inspection date by one year for a new vehicle. The amendment moves the initial inspection date of a new vehicle from 3 years after its model year to 4 years. The second change was an exemption of all pre-onboard diagnostics (pre-OBD) heavy duty vehicles from VEIP inspection, removing the need for the idle test. In addition to these major changes, several wording corrections were implemented. These common sense enhancements to customer service allow Marylanders to benefit from the significant air quality progress in Maryland.

The Council inquired on how a small number of high polluters impact the pollution as a whole. Mr. Newell explained that between the two groups we are removing, the model shows a 0.03 tpd NOx increase and a 0.04 tpd VOC increase while the tons per year has improved from ~140,000 tons per year in 2005 to about 60,000 in 2014. MDE confirmed that these vehicles are rapidly retiring from the population.

A Council member brought up our removal of remote sensing enforcement from the regulations, and MDE explained that we have never used remote sensing in such a way in our program, and that remote sensing is too outdated to be effective. One Council member asked for confirmation that smoking vehicles can be pulled over and the driver ticketed. MDE confirmed that state police have the authority to do so.

The Council inquired on whether easing testing requirements would result in an improved compliance rate. MDE answered that our motorist compliance rate is currently good, and around 95%, and making the process easier for motorists may have a positive effect on compliance. The Council asked for confirmation that this change along with the previous change will mean we've gone from a 2 year exemption to a 4 year exemption in 2 years. Mr. Newell said yes, that is what we are doing, and explained it was being done incrementally for transition purposes.

## FINAL AQCAC

*Motion to approve the proposed action was made by Chairman John Quinn and seconded by Dr. Amr. All members voted in favor, and none opposed, at approximately 9:30 a.m.*

### **BRIEFINGS**

Mr. Tad Aburn, MDE Air Director, presented a briefing on “Hot Topics”. Mr. Aburn discussed the 2018 End of Season Ozone Report, Greenhouse Gas Reduction Act (GGRA) strategies, the VW Settlement and the various actions of the 126 SIP Petition.

Ms. Megan Ulrich presented a briefing on “MDE’s 2018 Air Quality Legal Actions”. MDE has taken many legal/legally related actions against the U.S. Environmental Protection Agency (EPA), with all of the actions related to asking the EPA to maintain or enhance reductions in air emissions.

Ms. Carolyn Jones presented a briefing on “Maryland Methane Initiatives”. Ms. Jones explained that the key focus of methane reduction has been centered on the 3 largest emission categories in the State: Natural Gas (NG) Compression Station, Municipal Solid Waste Landfills and Wastewater Treatment Plants. MDE is actively working with stakeholders to develop draft regulations and a non-regulatory agreement for methane reductions at NG Compression Stations and the one LNG facility in Maryland.

Motion to adjourn the meeting was made by Mr. John Quinn and seconded by Mr. Tom Killeen.

*The meeting was adjourned at 11:05 a.m.*

### **Next meeting dates proposed:**

March 11, 2019  
June 10, 2019  
September 16, 2019  
December 16, 2019